

## NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

### NOTICE OF SUBSTANTIVE POLICY STATEMENT

#### ARIZONA DEPARTMENT OF HEALTH SERVICES

[M13-11]

**1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**

SP-022-ALS-CCL: Interpretation of "Residential Facility" in Definition of "Child Care Group Home"

**2. Date the substantive policy statement was issued and the effective date of the substantive policy statement if different from the issuance date:**

Date of issuance: January 28, 2013

Effective date: January 28, 2013

**3. Summary of the contents of the substantive policy statement:**

The purpose of this substantive policy statement is to clarify how the Arizona Department of Health Services interprets the definition of "child care group home" in A.R.S. § 36-897. It is being updated to clarify and correct statutory references to make the substantive policy statement more understandable.

**4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**

A.R.S. §§ 36-897, 36-897.02, and 36-897.04

**5. A statement as to whether the substantive policy statement is a new statement or a revision:**

The substantive policy statement is a revision of the 2003 version of the document.

**6. The agency contact person who can answer questions about the substantive policy statement:**

Name: Lourdes Ochoa, State Licensing Manager

Address: Arizona Department of Health Services  
Division of Licensing Services  
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or

Name: Thomas Salow, Manager of Administrative Counsel and Rules  
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Office of Administrative Counsel and Rules  
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Fax: (602) 364-1150

E-mail: [Thomas.Salow@azdhs.gov](mailto:Thomas.Salow@azdhs.gov)

**7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the statement:**

Notices of Substantive Policy Statements

The substantive policy statement is available, free of charge, on the Arizona Department of Health Services web site at: [http://www.azdhs.gov/diro/admin\\_rules/substantive\\_DLS.htm](http://www.azdhs.gov/diro/admin_rules/substantive_DLS.htm). Copies of the substantive policy statement may also be obtained from the Arizona Department of Health Services, Division of Licensing Services, Office of Child Care Licensing, 150 N. 18th Ave., Suite 400, Phoenix, AZ 85007, for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT**

**ARIZONA DEPARTMENT OF HEALTH SERVICES**

[M13-12]

**1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**

SP-023-DLS-CCL: Determining whether an individual providing child care services in a residential setting is required to be certified as a child care group home

**2. Date the substantive policy statement was issued and the effective date of the substantive policy statement if different from the issuance date:**

Date of issuance: January 28, 2013

Effective date: January 28, 2013

**3. Summary of the contents of the substantive policy statement:**

The purpose of this substantive policy statement is to notify the public how the Arizona Department of Health Services determines whether an individual providing child care services in a residential setting is required to be certified as a child care group home under A.R.S. Title 36, Chapter 7.1, Article 4 and the rules for child care group homes. It is being updated to correct citations and definitions that were changed in a recent rulemaking.

**4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**

A.R.S. §§ 36-897, 36-897.04, and 36-897.09

A.A.C. Title 9, Chapter 3

**5. A statement as to whether the substantive policy statement is a new statement or a revision:**

The substantive policy statement is a revision of the 2003 version of the document.

**6. The agency contact person who can answer questions about the substantive policy statement:**

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**7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the statement:**

The substantive policy statement is available, free of charge, on the Arizona Department of Health Services web site at: [http://www.azdhs.gov/diro/admin\\_rules/substantive\\_DLS.htm](http://www.azdhs.gov/diro/admin_rules/substantive_DLS.htm). Copies of the substantive policy statement may also be obtained from the Arizona Department of Health Services, Division of Licensing Services, Office of Child

Notices of Substantive Policy Statements

Care Licensing, 150 N. 18th Ave., Suite 400, Phoenix, AZ 85007, for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.

**NOTICE OF SUBSTANTIVE POLICY STATEMENT**

**ARIZONA DEPARTMENT OF HEALTH SERVICES**

[M13-13]

**1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**

SP-029-DLS-CCL: Clarification on Whether a Child Care Facility May Require a Release of Liability as a Condition of Enrollment or for Participation in an Activity, Including a Field Trip

**2. Date the substantive policy statement was issued and the effective date of the substantive policy statement if different from the issuance date:**

Date of issuance: January 28, 2013

Effective date: January 28, 2013

**3. Summary of the contents of the substantive policy statement:**

The purpose of this substantive policy statement is to clarify whether a child care facility may require a signed release of liability as a condition of enrollment or for participation in an activity, including a field trip. It is being updated to correct the citation of A.A.C. R9-5-308 that was changed in a recent rulemaking.

**4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**

A.R.S. § 36-883

A.A.C. R9-5-308

**5. A statement as to whether the substantive policy statement is a new statement or a revision:**

The substantive policy statement is a revision of the 2005 version of the document.

**6. The agency contact person who can answer questions about the substantive policy statement:**

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**7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the statement:**

The substantive policy statement is available, free of charge, on the Arizona Department of Health Services web site at: [http://www.azdhs.gov/diro/admin\\_rules/substantive\\_DLS.htm](http://www.azdhs.gov/diro/admin_rules/substantive_DLS.htm). Copies of the substantive policy statement may also be obtained from the Arizona Department of Health Services, Division of Licensing Services, Office of Child Care Licensing, 150 N. 18th Ave., Suite 400, Phoenix, AZ 85007, for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

ARIZONA DEPARTMENT OF HEALTH SERVICES

[M13-14]

**1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**

SP-030-DLS-CCL: Clarification on Whether a Child Care Group Home May Require a Release of Liability as a Condition of Enrollment or for Participation in an Activity, Including a Field Trip

**2. Date the substantive policy statement was issued and the effective date of the substantive policy statement if different from the issuance date:**

Date of issuance: January 28, 2013

Effective date: January 28, 2013

**3. Summary of the contents of the substantive policy statement:**

The purpose of this substantive policy statement is to clarify whether a child care group home may require a signed release of liability as a condition of enrollment or for participation in an activity, including a field trip. It is being updated to correct the citation of A.A.C. R9-3-301 that was changed in a recent rulemaking.

**4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**

A.R.S. § 36-897.02

A.A.C. R9-3-301

**5. A statement as to whether the substantive policy statement is a new statement or a revision:**

The substantive policy statement is a revision of the 2005 version of the document.

**6. The agency contact person who can answer questions about the substantive policy statement:**

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**7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the statement:**

The substantive policy statement is available, free of charge, on the Arizona Department of Health Services web site at: [http://www.azdhs.gov/diro/admin\\_rules/substantive\\_DLS.htm](http://www.azdhs.gov/diro/admin_rules/substantive_DLS.htm). Copies of the substantive policy statement may also be obtained from the Arizona Department of Health Services, Division of Licensing Services, Office of Child Care Licensing, 150 N. 18th Ave., Suite 400, Phoenix, AZ 85007, for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

ARIZONA DEPARTMENT OF HEALTH SERVICES

[M13-15]

**1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**

SP-031-DLS-CCL: Interpretation of the Term "Tutoring Provided by Public Schools Solely to Improve School Performance" in A.R.S. § 36-884(5)

**2. Date the substantive policy statement was issued and the effective date of the substantive policy statement if different from the issuance date:**

Date of issuance: January 28, 2013

Effective date: January 28, 2013

**3. Summary of the contents of the substantive policy statement:**

The purpose of this substantive policy statement is to clarify how the Arizona Department of Health Services interprets the phrase "tutoring provided by public schools solely to improve school performance," for the purpose of granting an exemption to a public school from being licensed as a child care facility, under A.R.S. § 36-884(5). It is being updated to correct the citation of A.A.C. R9-5-101 that was changed in a recent rulemaking.

**4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**

A.R.S. §§ 36-881 and 36-884

A.A.C. R9-5-101

**5. A statement as to whether the substantive policy statement is a new statement or a revision:**

The substantive policy statement is a revision of the 2006 version of the document.

**6. The agency contact person who can answer questions about the substantive policy statement:**

Name: Lourdes Ochoa, State Licensing Manager

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**7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the statement:**

The substantive policy statement is available, free of charge, on the Arizona Department of Health Services web site at: [http://www.azdhs.gov/diro/admin\\_rules/substantive\\_DLS.htm](http://www.azdhs.gov/diro/admin_rules/substantive_DLS.htm). Copies of the substantive policy statement may also be obtained from the Arizona Department of Health Services, Division of Licensing Services, Office of Child Care Licensing, 150 N. 18th Ave., Suite 400, Phoenix, AZ 85007, for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

ARIZONA DEPARTMENT OF HEALTH SERVICES

[M13-16]

**1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**

SP-035-DLS-CCL: Clarification of the provision, "That affects agricultural land regulated pursuant to Section 3-365" as stated in A.R.S. §§ 36-882(D) and 36-897.01(B)

**2. Date the substantive policy statement was issued and the effective date of the substantive policy statement if different from the issuance date:**

Date of issuance: January 28, 2013

Effective date: January 28, 2013

**3. Summary of the contents of the substantive policy statement:**

The purpose of this substantive policy statement is to clarify how the Arizona Department of Health Services interprets the provision, "that affects agricultural land regulated pursuant to § 3-365," as stated in A.R.S. §§ 36-882(D) and 36-897.01(B). It is being updated to correct a statutory citation and make the substantive policy statement more understandable.

**4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**

A.R.S. §§ 3-365, 36-882, and 36-897.01

**5. A statement as to whether the substantive policy statement is a new statement or a revision:**

The substantive policy statement is a revision of the 2009 version of the document.

**6. The agency contact person who can answer questions about the substantive policy statement:**

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**7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the statement:**

The substantive policy statement is available, free of charge, on the Arizona Department of Health Services web site at: [http://www.azdhs.gov/diro/admin\\_rules/substantive\\_DLS.htm](http://www.azdhs.gov/diro/admin_rules/substantive_DLS.htm). Copies of the substantive policy statement may also be obtained from the Arizona Department of Health Services, Division of Licensing Services, Office of Child Care Licensing, 150 N. 18th Ave., Suite 400, Phoenix, AZ 85007, for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

ARIZONA DEPARTMENT OF HEALTH SERVICES

[M13-10]

**1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:**

SP-092-PHS-EDC: Clarification of Dispensary Registration Certificate Expiration Date

**2. Date the substantive policy statement was issued and the effective date of the substantive policy statement if different from the issuance date:**

Date of issuance: January 28, 2013

Effective date: January 28, 2013

**3. Summary of the contents of the substantive policy statement:**

The purpose of this substantive policy statement is to clarify how the Arizona Department of Health Services interprets the allocation process for dispensary registration certificates and the expiration date of a dispensary registration certificate.

**4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:**

A.R.S. §§ 36-2804 and 36-2804.06 and A.A.C. R9-17-107, R9-17-303, and R9-17-304

**5. A statement as to whether the substantive policy statement is a new statement or a revision:**

The substantive policy statement is a new document.

**6. The agency contact person who can answer questions about the substantive policy statement:**

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**7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the statement:**

The substantive policy statement is available, free of charge, on the Arizona Department of Health Services web site at: [http://www.azdhs.gov/diro/admin\\_rules/substantive\\_PHS.htm](http://www.azdhs.gov/diro/admin_rules/substantive_PHS.htm). Copies of the substantive policy statement may also be obtained from the Arizona Department of Health Services, Division of Public Health Services, 150 N. 18th Ave., Suite 520, Phoenix, AZ 85007, for 25 cents per page. Payment is accepted in cash or money order made payable to the Arizona Department of Health Services.